



US Army Corps
of Engineers
Portland District

Public Notice

Proposed In-Lieu Fee Compensatory Mitigation Projects

30 Day Notice

Issue Date: March 30, 2009

Closing Date: April 29, 2009

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Portland District (Corps) is seeking comments on a proposal to modify the statewide instrument to the Oregon Department of State Lands' (DSL) in-lieu fee program. The instrument modification is necessary to incorporate three proposed in-lieu fee project sites. A prospectus describing the proposed projects has been received from the program sponsor, DSL, and is available from the Corps upon request or on the Portland District's web site at <https://www.nwp.usace.army.mil/op/g/home.asp>, then select mitigation.

The term "in-lieu fee program" refers to a program involving restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements. The statewide in-lieu fee program was approved by the Corps in February 2009. It is important to distinguish between the in-lieu fee program and DSL's "payment in-lieu" program. The Corps does not recognize the payment-in-lieu program as a valid means of meeting Federal mitigation requirements.

DSL has proposed three in-lieu fee projects. If the projects are approved, DSL will be responsible for establishing the projects and for selling compensatory mitigation credits to permittees.

- The Half Mile Lane project is located near Forest Grove, in Washington County. The goal of the project is to restore or enhance approximately 15 acres of stream, floodplain, and wetland habitat along Roderick Creek, a tributary of the Tualatin River. Proposed activities include disrupting agricultural tile drains and ditches, grading, realigning the stream channel, and revegetating the area. The project would benefit terrestrial and aquatic habitat and water quality, and would generate between 6 and 15 wetland mitigation credits. The proposed service area encompasses the entire Tualatin River sub-basin.
- The Ryan Ranch project is located between Bend and Sun River, within the Deschutes National Forest in Deschutes County. The goal of the project is to enhance approximately 60 acres of emergent marsh and other habitats adjacent to the Deschutes River. Proposed activities include lowering a dike and restoring three inlet/outlet channels. The project would provide hydrologic, water quality, and terrestrial and aquatic habitat functions, and would generate approximately 8 wetland mitigation credits. The proposed service area encompasses the Upper Deschutes River sub-basin.

- The Tamara Quays project is located near Lincoln City, within the Siuslaw National Forest in Lincoln County. The goal of the project is to restore and enhance 14 acres of aquatic habitat in the Salmon River Estuary. Proposed activities include removing a dike and tidegate, filling drainage ditches, removing fill from intertidal marshes, and adding large wood to tidal channels. The project would benefit aquatic and terrestrial habitat, including rearing habitat for anadromous fish, and would generate approximately 2.5 wetland mitigation credits. The proposed service area encompasses the Siletz-Yaquina sub-basin.

The Corps has convened Interagency Review Teams (IRTs) comprised of Federal, State, Tribal, and local agencies. These teams will work with DSL to review mitigation and long-term management plans, determine appropriate service areas and the number of potential wetland mitigation credits, determine performance standards, and develop monitoring and adaptive management plans. Upon preparation of the final version of the proposed instrument modification and completion of the IRT review process, the Corps will determine whether to approve the proposed projects. If they are approved, DSL would be able to sell mitigation credits within the defined service areas.

Comments on these proposed projects should be submitted to the Corps, and should be received no later than the expiration date of this public notice. Comments received in response to this Notice will be provided to DSL and the IRT.

Please provide comments to:

Portland District, U.S. Army Corps of Engineers
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